(29)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 7615 of 2007

PETITIONERS

1. Krishnaram Sahu, aged 56 years Son of Shri Udairam Sahu, Asst. Teacher, Girl's Primary School No.2, Titurdeeh District Durg (C.G.)
2. Narottam Lal Bharati, aged 50 years, Son of Shri Kisanlal Bharati, Asst. Teacher, Primary School, Joratarai (Utai) District Durg (C.G.)
3. Smt. Prabha Katare aged 54 years W/o Shanker Rao Katare, Asst. Teacher, Middle School, Borsi District Durg (C.G.)
4. Shiv Kumar Verma aged 42 years S/o Shri Het Ram Verma Assistant Teacher, Govt. Primary School, Dhaurabhata District Rajnandgaon (C.G.)
5. Smt. Bharti Tiwari aged 53 years W/o, Shri J.P. Tiwari Assistant Teacher, Navin Govt. Primary School, Shakti Nagar, Durg District Durg (C.G.)
6. Smt. Lalita Yadav aged 52 years W/o Shri Durga Shankar Yadav, Assistant Teacher, Govt. Primary Kanya School, Titurdehe, Durg District Durg (C.G.)

Versus

RESPONDENTS

1. The State Government of Chhattisgarh, Through the Secretary, Education & Tribal Department, D.K.S. Bhavan, Raipur (C.G.)
2. The District Education Officer, Durg (C.G.)
3. The District Education Officer, Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

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WP(S) No. 7615/2007

ORAL ORDER
(20.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.T.I. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subject to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.T.I. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

vatti